...LY NEWS.

...ENING, SEPTEMBER 24, 1874. NO. 170

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Halifax.—We learn that a party of northern gentlemen propose engaging rooms at the Southern Hotel in Halifax for some weeks. They come down for the purpose of hunting. We suppose the finest hunting in the State is to be had on the Roanoke river, opposite to and below Halifax, especially in the Oconeechee Neck, on Conoconarie and in Scotland Neck. Should they decide to come we hope they will have a fine season for their expedition, and we know they will carry back the most favorable impressions of the Southern people, for no more clever specimens of the race exist than in the localities named.

The Good Templars Annual Meeting in Newbern.—By reference to our telegraphic column, the full proceedings of the first day's session of the Grand Lodge of Good Templars in session, at Newbern, will be seen reported especially for the News by our Temperance Editor Capt. V. Ballard. Each day's proceedings of the Convention will be reported in full.

In the Harness Again.—It affords us pleasure to announce the re-entrance of so talented a gentleman as Rev. J. D. Hufham into the editorial fraternity. Mr. Hufham was for several years editor and proprietor of the *Biblical Recorder* and engages on that paper as its assistant editor. Mr. Hufham is a gentleman of culture and is as eloquent and logical with the pen as he is in the pulpit.

We direct the attention of the reader to the advertisement of Messrs. Enniss & Harris, Designers and Engravers. These are skillful and enterprising young men, and they should be patronized.

Robert Tannahill & Co., Cotton Commission Merchants, No. 130 Pearl street, New York, has an announcement in this issue. Read the advertisement.

We have been two days in attendance upon Johnston County Superior Court, but our report of proceedings is necessarily crowded out by the pressure of other matter to-day.

NORTH CAROLINA.

There are seven lodges of Good Templars in Mecklenburg county.

Twelve marriage licenses were issued in Granville county last month.

The tax receipts of New Hanover county last week amounted to $3,041.65.

The Charlotte Graded School commenced its Fall term on Monday with 225 pupils.

The survey of the route of the proposed New River Canal is soon to commence.

Rice bird shooting is now occupying the attention of Wilmington sportsmen.

The members of the Hickory Cornet Band have purchased a $650 set of instruments.

a protracted meeting will commence in the Hillsboro Methodist church on the 30th inst.

A protracted meeting is progressing in the Tyron Street Methodist Church, Charlotte.

The Baptist State Convention convenes in Wilmington on the 4th day of November next.

The proposed cotton factories at Newbern and Wilmington are still progressing on paper.

Last week eight members were admitted into the fellowship of the Methodist Church at Oxford.

The M. E. Quarterly Conference will meet at Shady Grove Church, Granville county, on the 26th inst.

Rev. Wm. Robey, President of the Davenport Female College, Lenoir, died of a stroke of paralysis last week.

On the first of next month a telegraph office will be established at Faison's, on the Wilmington & Weldon Railroad.

There was a race the other day on the Western N. C. Railroad between the passenger train and a deer. The deer came out ahead.

The feasibility of a Railroad to pass from the Richmond & Danville Railroad *via* Oxford to Durham, is now being seriously discussed.

The shoe store of Robert Faucett, Hillsboro, was robbed on Sunday night of nearly all the ready made stock, amounting to $100 worth.

The colored Methodist churches will hold a district camp meeting at Teachey's depot, commencing on the 1st prox. and ending on the 5th.

On Sunday night, in Newbern, a colored man by the name of James Dozier was captured in the act of burglarizing a store. He was sent on for trial.

A lady in Person conunty was bitten by a snake a few days ago in the big toe, but the timely application of a bandage prevented fatal consequences.

A party from Harnett county reached Hillsboro on Thursday last, in pursuit of horse thieves. They arrested a man on suspicion and carried him to Harnett with them.

A concert is soon to be given in Charlotte for the purpose of raising money sufficient to the purchase of philosophical and chemical apparatus for the Charlotte Female Institute.

On Monday last a colored man went to sleep on the track of the Wilmington, Columbia & Augusta Railroad, at Springer's Mill, and was only aroused by an approaching train in time to make his escape with the loss of his left arm. He also received some injuries about the head which are likely to prove fatal.

Says the Piedmont *Press*:

"On Tuesday, the 15th inst., while the creek which crosses the turnpike road beyond Patterson's factory, in Caldwell county, was rising rapidly William Day and wife, Miss Meranda Curtis and Arthur Adams and wife attempted to cross it in a wagon. The wagon was washed down the stream and striking a rock overturned catching Mr. Day under it. By a desperate struggle he raised the bed and swam ashore. His wife, Mrs. Day, was washed ashore and escaped without assistance. Miss Curtis drifted 150 yards down the stream and caught hold of a bush in an island from which she was rescued by the heroic effort of Mr. John Chandler, who heard her screams, and at the risk of his own life swam in and brought her to the shore. Mrs. Adams with her child, twelve months old, in her arms, drifted down the stream calling to her husband for help but no help came. Four hours afterwards the mother and infant were found close together, 250 yards down the creek, her arms in the same clasping attitude in which death found her—clinging to her babe. What is so unearthly beautiful as a woman's love for her own infant? And it is the same in the rude huts along the rugged mountain slopes as in the glittering palaces of the great. Mrs. Day was returning from the funeral of her father, little dreaming she was so soon to follow."

Important Meeting of Atlantic Council, P. of H.—Direct Trade with Europe.—The fifth quarterly session of Atlantic Council, Patrons of Husbandry, met in the Atlantic House, Beaufort, on Thursday last. A full representation of the Granges composing the Council was present. The address of H. R. Bryan, Esq., of Newbern, was listened to by a large audience of ladies and gentlemen, and is spoken of as a very able effort. At the conclusion of the address the Council adjourned until 7 p. m. The important subject of direct trade with Europe from the port of Beaufort was considered, when the Council reassembled. The plan proposed by James E. Nash, Esq., of Newbern, was voted upon and adopted: It proposes to arrange with foreign vessel owners to establish a line of ships to Beaufort harbor under a guarantee of support from the Grangers and farmers generally who will export their cotton and import their supplies in return at such figures as may be agreed upon, with a like guarantee from the line that they will not allow outside parties, North or South, to control or become interested in the shipments, but act in good faith under sufficient bond to be hereafter specified.

Messrs. H. R. Bryan, J. E. Nash, R. T. Guion, Col. Whitfield, J. B. Faircloth and Alex. Justice were recommended to the Master of the State Grange as delegates from Atlantic Council to the Cotton States Congress, which convenes in Raleigh next year.

We are indebted to the Newbern *Journal of Commerce* for these particulars.

HOTEL ARRIVALS.

YARBOROUGH HOUSE.

Dr. G. W. Blacknall, Proprietor.

Wednesday, Sept. 12.—Col J F Taylor, R T Fulghum, T F Lee, City; W K Davis, Louisburg; G N Waitt, Charlotte; James D McRae, Brunswick county; A C McKenly, G C McKenley, Georgia; A G Moore, Haw River; James Holt and family, [illegible] H W Lilly, W H [illegible], J [illegible], Fayetteville; D T Ward, [illegible] ton Railroad; T B Thompson, [illegible] ville, W H Holleman, Wake; E H Page, Hillsboro; R E Young, N C; Jno W Wiggins, Warren; Chas McDonald, Philadelphia; Jos J Davis, Louisburg; R H Jones Galveston, Texas; J B Campbell, Charleston; Wm W N Hunter, Kinston; T D Gillespie, S C; Wm R Becton, Kinston; W Ziss, N Y.

NATIONAL HOTEL.

C. S. Brown, Proprietor.

Wednesday, September 24.—J H Durham, Rocky Point; W K Davis, Louisburg; Geo W Dobler, Louisville, N C; E D Williams, Richmond; W A Hauser, Frank P Haywood, Col T B Long, N C; Jam 3 F Taylor, City; A H Schrell; Hamilton; M J Heger, Wilmington; W H Pace, City; J H Lashley, R and G R R.

Take Courage, Invalids.—Pain and weakness produce despondency, and the invalid who is laboring under bodily torture, debility and mental depression at the same time is indeed in a pitiable condition. But let all who are thus situated take heart. A balm is provided, both for their physical and mental infirmities, in Hostetter's Stomach Bitters. Among the commonest sources of pain, uneasiness and melancholy are the diseases which affect the stomach, the liver, the alimentary canal, the nerves and the muscles, such as dyspepsia, bilious disorders, constipation, headache, hysteria and rheumatism, all of which yield readily to the regulating, invigorating and purifying influence of this peerless vegetable tonic, stimulant and restorative. Take courage, sorrowful invalids; you will find the help you need in Hostetter's Bitters.
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NEW ADVERTISEMENTS.

THE DAILY NEWS.

FRIDAY.....SEPTEMBER 25, 1874.

JOHN W. DUNHAM.....Editor.

JORDAN STONE.....Manager

☞ THE DAILY NEWS IS THE ONLY PAPER IN THE CITY OF RALEIGH WHICH TAKES THE TELEGRAPHIC REPORTS.

WITHOUT intending to endorse the conclusions, which Mr. JOHNSON draws from the statement of facts made by him for the New York *Herald*, we publish his letter to that paper, to the exclusion of editorial matter this morning, because the great reputation of the author entitles anything he may say to the attentive consideration of the American people. To us, it seems, if MCENERY and the gen- the men upon the ticket with him were lawfully chosen by the people of Louisiana at the election regularly held it is the duty of the Federal Government to respect the will of the people of that State and install them in the offices to whiah they were chosen. But to the letter:

BALTIMORE, Sept. 21, 1874.

James Gordon Bennett, Editor of the Herald, New York:

DEAR SIR—In compliance with the request contained in your note of the 19th inst., I give you the subjoined opinion "upon the Louisiana difficulty." The questions the occasion present are of importance to the whole country, as well as to Louisiana. They should therefore be treated with much deliberation and in no partisan spirit. I proceed to consider them under three heads, viz.:—

First—Was the President right, in the first instance, in recognizing Kellogg as the Governor of the State?

Second—If he was not, had the people any right to drive Kellogg from power, as they have done, by force of arms, and to take possession of the government?

Third—Has the President a right to restore Kellogg and the government of which he was the head?

FIRST.

In my opinion the President committed an error in considering Kellogg as the legitimate Governor. He seems to have acted regardless of the fact whether he had been elected by a majority of the people of the State. His opponents insisted that he had not been, and there is every reason to believe that in this they were correct. The President's course was apparently adopted by reason of a judgment, or decree, of the United States District Court of the State. The President considered himself bound by that decree, and, as it assumed the election of Kellogg, he thought he was to take that election as conclusively established. In this, I think, the President was clearly wrong. The question whether a State government has been legitimately established is not a judicial one. The courts of the United States are not vested with any authority to consider it. This, in the nature of things, must be so. How is such a fact, when disputed, to be ascertained when the ground of the dispute is that the party claiming to have been elected did not receive a majority of the legal votes? Are the witnesses to be examined by the courts? Are the ballots which have been cast to be produced? Is the competency of each voter to be passed upon? It must be obvious that over such inquiries no court of the United States has jurisdiction. The question is a political one, and is to be adjudged by the political department of the government. This was clearly ruled by the Supreme Court in the case of Luther vs Borden (7th Howard.) In that case the facts were these:—

RHODE ISLAND AFTER THE REVOLUTION,

had no other constitution until 1843 than its colonial charter, granted by Charles the Second in 1763. The provisions of that charter were supposed by many, and probably by a majority of the people of the State, to be, in certain particulars, anti-republican. They resolved, therefore, to substitute another constitution, and for this purpose a convention was held and a new government formed, under which, at a succeeding popular election, Dorr was chosen Governor. He then attempted to get possession by force, and was successfully resisted by the charter government. The question came before the Supreme Court, in the case referred to instituted by Luther, who was acting under the Dorr constitution, to recover damages for a trespass alleged to have been committed by Borden, who had proceeded under the authority of the charter government. The opinion of the Court was given by Chief Justice Taney, and there was no dissent upon the point adverted to. It was expressly held that the inquiry whether a government exists in any State is a political and not a judicial one. The language of the Court is, "that the inquiry belonged to the political power and not to the judicial," and that it rested with the political power to decide whether the charter government had been displaced or not." In the same case it was decided that when the President is called upon to protect a State against domestic violence, in the manner provided for by the fourth section of the fourth article of the Constitution, he is compelled to determine whether the Governor or the Legislature of the State making the call is or is not legitimate, and his determination is conclusive. The result of these several rulings seem obvious. Judge Durell had no authority whatever to pass upon the question whether Kellogg had been duly elected Governor. That was a question which, when properly brought before the President, he was to determine for himself. The action of the Judge possessed for him, nor for anybody else, no authority whatever. Consequently the President, when he recognized Kellogg, as he is understood to have done, exclusively upon the ground of that action, fell into an error. He abandoned—undesignedly, no doubt—the duty which the Constitution devolved upon him, and sought authority for what he did under a judgment of a United States Judge, which, as to him, was entirely void.

SECOND.

But the President having recognized Kellogg, whether upon sufficient evidence or not, that recognition was at once absolute and final. The people of the State consequently, however unjust and injurious to them may have been the decision, possessed no right to subvert the government so recognized by force of arms, except as such right was a revolutionary one. A right of revolution can never be supposed to exist under an established government. Such right, indeed, supposes no existing legal authority, but asserts itself upon natural and elementary principles, such as are stated in our Declaration of Independence. But the States of this Union, however sovereign they are in many respects, are not wholly so. Each State is bound to the other States and to the United States, and the obligations is such that a right by force to change her form of government is not possessed by her, as its exercise might interfere with the relation that she bears to her sister States and to the paramount authority of the United States. The government of Kellogg may have been grievous in the extreme to the people of Louisiana, and no doubt, it was so. Its corruption and abuse of power threatened the State with bankruptcy and were destructive of all individual enterprise and happiness. Kellogg's election is said to have been accomplished by means of gross frauds upon the franchise, and this is reported by a committee vested with the power to make the inquiry by the Senate of the United States. That report, and the speech of the Hon. Mr. Carpenter in support of it, it is thought, make good the allegations of fraud to all who are not blinded by partisan prejudice. Notwithstanding all the sad consequences of the existence of the Kellogg government the sufferers cannot legally find redress in violence. They must await the deliberation of Congress and the President, and must hope (I trust not in vain) that they will, at an early day, give them relief. That the President can have no wish, himself, to tyrannize, or to permit others to tyrannize, over any State in the Union, is a proposition upon which, I apprehend, a majority of the people of the country will entertain no doubt. His past renown would be as nothing to him if he permitted himself to be governed by such motives. He has, I doubt not, in his action in originally recognizing Kellogg, either deceived himself or been deceived by others, but the error, as I think it was must have been one of judgment, and not of design.

THIRD.

The President having recognized Kellogg, and that recognition never having been reversed by Congress, what is his duty in the existing emergency? That he cannot permit a State government to be subverted by domestic violence without palpable dereliction of duty is clear. When called upon in proper form to put it down the Constitution gives him no option in the matter. He is bound by its very words to bring it to a termination, and to restore the government attempted to be overthrown. Kellogg's government, from the time it was recognized by the President to the occurrence of the late violence, was the only government known to the State. Every department—legislative, executive and judicial—existed under its authority. The President therefore is imperatively called upon to protect it and to reinstate it as it was before the violence took place if he can. His recognition of it having been acted upon as conclusive of its legitimate existence, he has now no right to withdraw it. His decision is as binding upon him as it was upon the State. His jurisdiction over the subject was exhausted by its first exercise, and his subsequent conduct is to be governed by the same considerations which would control it if the legality of that government had never been called into doubt. What he is doing now, in my opinion, is what he is bound to do. An admission of a right to resort to violence to put down an existing government might, by its example, often lead to anarchy in every State—a condition of things more fatal to a people than any abuse of the elective franchise or governmental power.

I have said that the President is bound to restore the Kellogg government—if he can. But the government is not constituted of Kellogg alone. It is made up also of the Legislature, the judiciary and of subordinate officers, appointed or elected. The most of these are reported either to have resigned or abdicated. If they refuse to return to their offices has the President any power to force them to do so? If he has not, has he power to compel the election or appointment of others? I think it clear that he has neither, and the effect of his doing what he can for the restoration of Kellogg as Governor may leave the State without any other officer than a Governor, or with a Governor without a government. The difficulty, therefore, of the present situation in Louisiana may not be obviated by the course he is pursuing or by any which he can constitutionally adopt. How it might certainly be met without further excitement or trouble is a question which would seem to me capable of a ready solution, and that is the one suggested in your note—the resignation of Kellogg and McEnery. But to make this effective each of the Lieutenant Governors should also resign. If they are governed by patriotic motives, and desire to restore tranquility to their State, they will not hesitate to take such a step. That Kellogg can desire to retain a position which is so adverse to the feeling of the State, and which it is obvious he would not be able to hold a day without the aid of federal troops, seems to me to be equally unpatriotic and dishonorable. But, upon such a question, the man—Kellogg—is the judge, and, as he may judge it, will he meet with the applause or condemnation of the country.

I remain, with great regard, your obedient servant,

REVERDY JOHNSON.

In many of the less fashionable Northern mountain resorts this summer the waiters were the daughters of neighboring farmers. Actuated by no false shame, they are said to have done their work so well that many of the more kindly of the guests parted from them with every mark of genuine attachment. These girls thus gain sufficient for their winter schooling, or that of their brothers and sisters, or money for some extra finery, or perhaps for their marriage portion. They, moreover, see something of life, and as they are often keen, sensible and teachable, they learn better manners and less rusticity and more refinement.

The tobacco statistics of the world, could they be seen in one mass, would astonish the economists as well as the moralists. France consumes annually 43,000,000 pounds of smoking tobacco, 8,000,000 pounds of segars, say 850,000,000 in number; 17,000,000 pounds of snuff, 1,500,000 pounds of chewing tobacco, which is either smoked or chewed or snuffed. There are sixteen tobacco factories in France (two, those of Metz and Strasbourg, having been lost by the German war,) and about 40,000 retail tobacco and segar shops, 1,200 of which are in Paris.
